

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

MAVERICK ONE PROPERTIES, LLC
Plaintiff,

v.

MID-CENTURY INSURANCE
COMPANY
Defendant

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CIVIL ACTION NO. 2: 15-cv-00108

**DEFENDANT MID-CENTURY INSURANCE COMPANY'S
NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

NOW INTO COURT, through undersigned counsel, comes Defendant, MID-CENTURY INSURANCE COMPANY, files this Notice of Removal and would respectfully show as follows:

INTRODUCTION

Plaintiff, MAVERICK ONE PROPERTIES, LLC (hereinafter "Plaintiff"), filed suit in Cause No. 15-08-31791-MCVAJA, in the 365th Judicial District Court of Maverick County, Texas on August 4, 2015. Defendant, MID-CENTURY INSURANCE COMPANY (hereinafter "Mid-Century"), was served with and first received notice of this suit on August 21, 2015.

Mid-Century is timely filing this Notice of Removal within 30 days of the date of service or notice. Thus, Mid-Century's Notice of Removal has been filed within the 30 day period.¹

¹ 28 U.S.C. § 1331, 28 U.S.C. § 1441 (b), and 28 U.S.C. § 1446 (a-b).

NATURE OF THE SUIT

This is a first party insurance breach of contract and bad faith lawsuit. Plaintiff owns the property located at 2297 Del Rio Boulevard Eagle Pass, Texas 78852 (hereinafter “Property”)

Mid-Century is a California fire and casualty insurer licensed to operate in the state of Texas.

Plaintiff purchased property insurance bearing Policy No. 3000845486-1-1 (hereinafter “Policy”) from Mid-Century. The Policy covered the subject Property.

On or about April 23, 2014, Plaintiff’s property was allegedly damaged by a wind and hail storm. Sometime thereafter, Plaintiff filed a claim with Mid-Century.

Plaintiff alleges that Mid-Century performed an inadequate and outcome oriented investigation of the claim which failed to address all covered damage.

Plaintiff now asserts several causes of action against Mid-Century including but not limited to breach of contract, violations of the Deceptive Trade Practices Act (DTPA), violations of the Texas Insurance Code, and breach of the common law duty of good faith and fair dealing.

BASIS FOR REMOVAL

Removal is proper because there is complete diversity between the parties. 28 U.S.C. §1332 (a); *Johnson v. Columbia Propos. Anchorage, L.P.*, 437 F.3d 894, 899-900 (9th Cir. 2006). Plaintiff is a citizen of Texas. Mid-Century is a citizen of California. Additionally, the amount in controversy exceeds \$75,000, excluding interest and costs. 28 U.S.C. 28 U.S.C. §1332 (a); *Andrews v. E.I. du Pont de Nemours & Co.*, 447 F.3d 510, 514-15 (7th Cir. 2006). Specifically, Plaintiff sent a presuit demand letter to Mid-Century seeking \$383,412.56 in alleged covered damages to the property, \$69,014.26 for the 18% penalty under Chapter 542 of the Texas Insurance Code, and \$10,000 in attorney’s fees.²

² Plaintiff’s Pre-Suit Demand Letter is attached and incorporated herein as if copied verbatim as Exhibit “A.”

**DEFENDANT'S NOTICE OF REMOVAL
IS PROCEDURALLY CORRECT**

Mid-Century filed its answer on September 14, 2015.

Mid-Century has attached to this notice, all pleadings, process, and orders served upon Defendant in this action as required by 28 U.S.C. § 1446(a).

VENUE AND JURISDICTION

Venue is proper in this district under because this district and division embrace the place in which the removed action has been pending.

Mid-Century has contemporaneously filed a copy of this Notice of Removal with the Clerk of the state court in which the action has been pending.

Plaintiff demanded a jury trial in the state court suit.

[Signature on next page]

Dated: September 18, 2015

DOYEN SEBESTA, LTD., LLP

By: /s/ Randall J. Poelma, Jr.

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**ATTORNEYS FOR DEFENDANT
MID-CENTURY INSURANCE
COMPANY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been forwarded to all counsel of record via first class mail, electronic service and/or facsimile on this the 18th day of September, 2015.

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/s/ Randall J. Poelma, Jr.

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